

STATUS OF THE CLAIMS

Claims 1-28 are currently pending in this Application. Claims 21-28 are newly added. Support for these claims can be found in claims 1, 6, and 9-15, as well as throughout the Specification. Accordingly, no new matter has been added.

REMARKS

In the Office Action mailed on September 22, 2008, a Restriction Requirement was issued under 35 U.S.C. 121 and 372, and PCT Rules 13.1 and 13.2. The following inventions were considered to lack unity of invention:

- Group I:** Claims 1-2, 6-19, and 30-31, drawn to a method of identifying receptors.
- Group II:** Claims 3-5 and 20-22, drawn to a cell.
- Group III:** Claims 23-28, drawn to a method for selecting cells.
- Group IV:** Claim 29, drawn to a method for assembling an enzymatic pathway.

Please note the Restriction Requirement refers to claims 1-31, submitted May 17, 2006. However, Claims 1-20, also submitted May 17, 2006, are believed the current claims (prior to the present amendment). Please note the Filing Receipt, mailed September 21, 2007, indicates 20 total claims, including 4 independent claims. Also, p. 4 of the Transmittal of New Application, which indicates 3 pages of claims (1-20) as opposed to 4 pages (1-31). Finally, the Fee Worksheet, filed May 17, 2006, indicates "Total Chargeable Claims" as 20.

Accordingly, this Response attempts to reply to the Restriction Requirement as applied to the current claims. Applicants believe the following groupings to be equivalent to those laid out in the Restriction Requirement:

- Group I:** Claims 1, 2, and 6-15, drawn to a method of identifying receptors and enzymes.
- Group II:** Claims 3-5 and 21-28, drawn to a cell.
- Group III:** Claims 16-20, drawn to a method for selecting cells.
- Group IV:** No equivalent claims.

Applicants elect Group II: Claims 3-5 and 21-27, without traverse. Applicant reserves the right to file a continuation or divisional patent application on the non-elected claims.

At p. 3, the Office Action states, "Claim 1 is anticipated by US 6,251,602." Claim 1 falls under non-elected Group I. Consequently, Applicant respectfully submits that US 6,251,602 does not anticipate the currently elected Group II.

CONCLUSION

The Restriction Requirement should have addressed claims 1-20, not claim 1-31. Applicant elects Group II for prosecution on the merits, without traverse. Claims 21-28 have been added consistent with the elected group, but do not constitute new matter.

Applicant believes no fee is due. The Commissioner is hereby authorized to credit any overpayment and charge any additional fees due to Deposit Account 20-0779.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Deveau", is written over a horizontal line.

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